

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16991 of 2007

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Bijay Kumar Agarwal, Son of Late Bishwanath Agarwal, R/o Mohalla-Gol Bazar, Ward No.8, Murliganj, P.S.-Murliganj, District-Madhepura.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The Managing Director, Madhepura, Supaul, Central Cooperative Bank Ltd. Madhepura.
4. The Commissioner-cum-Secretary, Cooperative Department, Government of Bihar, Patna.
5. The Madhepura Supaul Central Cooperative Bank Ltd., Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Respondent/s : Mr.G.P.-5

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 06-11-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for issuance of an appropriate writ in the nature of mandamus directing the respondents to accommodate the petitioner's service in any other department of State Government as the employer of the petitioner namely Madhepura Supaul Central Cooperative Bank Ltd. was declared bankrupt and has gone in liquidation and further direction to the respondents to make payment of all arrears dues salary to the petitioner which was not paid by the Bank from the date of liquidation (April 2003) till date and any other appropriate writ, order direction save and except in accordance with law.



3. It appears that with the initiation of liquidation process, the service of the employees of the petitioner's Bank got automatically terminated from service and petitioner has challenged the same on the ground that the similarly situated persons have been regularized by the competent authority and when the matter was taken up on 27.11.2013, it has been directed that the matter be listed after the disposal of the LPA No.1005 of 2011.

4. The LPA No.1005 of 2011 was disposed of vide order dated 02.12.2021 with the following observations:

“The case has been called out twice since morning. Learned counsel for the appellant remained unrepresented.

The possibility that the matter has been rendered infructuous due to efflux of time cannot be ruled out.

The appeal is dismissed for non-prosecution.

However, if any grievance survives, the appellant shall be at liberty to move an application for revival of the appeal”.



5. Learned counsel for the petitioner submits that the same is not disposed of on merits.

6. Learned counsels for the Cooperative and the State contend that the petitioner cannot claim parity with other similarly situated persons because they have been in service and the service of the petitioner has been terminated by the competent authority and it was found that he has been appointed without following the procedure of appointment and his appointment was not according to law.

7. The writ petition has no merit and accordingly it is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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